### AGENDA TOWN OF PITTSFORD ZONING BOARD OF APPEALS SEPTEMBER 18, 2023

This agenda is subject to change.

Please take notice that the Town of Pittsford Zoning Board of Appeals will hold the following meeting on Monday, September 18, 2023, in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street, and beginning at 7:00PM local time.

### **NEW HEARINGS**

#### 20 Meadow Cove Road

Applicant is requesting relief from Town Code Section 185-113 B. (3) for the installation of pool equipment to be located forward of the rear wall of the main structure. This property is zoned Residential Neighborhood (RN).

### 7 Black Wood Circle

Applicant is requesting relief from Town Code Section 185-17 H. for the expansion of a driveway resulting in maximum lot coverage exceeding 40% of the total area of the property. This property is zoned Incentive Zoning (IZ).

#### 6 Malm Lane

Applicant is requesting relief from Town Code Sections 185-17 L. (1), 185-113 B. (1) & (2) for the construction of an oversized, over-height covered deck within the side setback of a developed flag lot. This property is zoned Residential Neighborhood (RN).

### 8 Evesham Place

Applicant is requesting relief from Town Code Section 185-113 E. for an existing shed located within the side setback. This property is zoned Residential Neighborhood (RN).

### **OTHER BUSINESS**

**Approval of Minutes** 

### TOWN OF PITTSFORD ZONING BOARD OF APPEALS AUGUST 21, 2023

Minutes of the Town of Pittsford Zoning Board of Appeals meeting held on August 21, 2023 at 7:00PM local time. The meeting took place in the Lower-Level Meeting Room of Pittsford Town Hall, 11 S. Main Street.

**PRESENT:** George Dounce, Barbara Servé, Mary Ellen Spennacchio-Wagner, Jennifer Iacobucci, Jim Pergolizzi

ABSENT: Phil Castleberry, Tom Kidera

**ALSO PRESENT:** April Zurowski, Planning Assistant; Doug DeRue, Director of Planning, Zoning, & Development; Bill Zink, Building Inspector; Kate Munzinger, Town Board Liaison

ATTENDANCE: There were 9 members of the public present.

Chairman George Dounce called the meeting to order at 7:01PM.

### **NEW PUBLIC HEARINGS:**

#### **Greenpoint Trail Subdivision Signage**

Applicant is requesting relief from Town Code Section 185-134 D. (5) for the installation of an oversized sign to be located on the existing east monument at the entrance of Greenpoint Trail Subdivision.

Chairman Dounce opened the public hearing.

Don Alhart, of 24 Greenpoint Trail and on behalf of the Greenpoint Homeowners Association (HOA), introduced the application. He stated that the developer received a variance prior to subdivision sign construction for two over height stone monuments at the entrance of Greenpoint Trail. One oversized sign was installed on one of the two monuments. The Greenpoint HOA is returning for the installation of a second duplicate oversized sign on the other monument. Mr. Alhart stated that the HOA is looking to visually balance the entrance and ensure motorists and first responders can view the sign when traveling east and westbound. The blank monument has existing lighting.

Chairman Dounce asked the applicant to provide a timeframe for installation. Mr. Alhart stated that scheduling has been delayed due to the required variance.

No public comments were offered.

Board Member Iacobucci motioned to close the public hearing, seconded by Vice Chairwoman Servé. Following a unanimous voice vote, the hearing was closed.

A written resolution to grant the area variance for Greenpoint Trail was moved by Board Member Iacobucci, seconded by Chairman Dounce. The resolution was unanimously approved.

#### 28 Whitestone Lane

Applicant is requesting relief from Town Code Section 185-17 B. for the construction of a threecar garage addition extending forward of the building line on Malm Lane.

Chairman Dounce stated that this application is a continued public hearing.

Kim Bailey, of Stahl Property Associates, reintroduced the application. At the July 17, 2023, meeting, the applicant presented her request for a 7' 3" variance into the front setback on Malm Lane. Since this meeting, her variance request was reduced to 5' into the front setback.

Chairman Dounce asked if this application was presented to the Design Review and Historic Preservation Board (DRHPB). Anne Marie Rizzo, of 36 Whitestone Lane and owner of 28 Whitestone Lane, stated that DRHPB has preliminarily reviewed this application, but the Board has not reviewed the revised variance request.

Board Member Spennachio-Wagner stated that the revised site plan does not show rear yard accessory structures that were shown before. She asked why the applicant cannot meet the 50' front setback required by Town Code. Ms. Rizzo stated that a pool is still proposed but is not shown on the site plan. Vice Chairwoman Servé agreed. Ms. Rizzo stated that the kitchen window would be blocked if the addition was pushed back to meet the 50' front setback. She stated that the pool was not a reason that the front setback cannot be met.

Board Member Spennachio-Wagner questioned if this addition would fit within the character of the neighborhood. She believed that the 2,500 square foot addition alone would be out of character with entire homes in the subdivision. Vice Chairwoman Servé agreed. Board Member Pergolizzi stated that many homes in the subdivision are upwards of 5,000 square feet. Board Member Spennachio-Wagner stated that there are surrounding homes that are less than 2,000 square feet.

Chairman Dounce stated that no resident comments have been received or heard. Ms. Rizzo confirmed discussions with neighbors and no negative comments were received.

### AM not redevelopment, revitalization.

Vice Chairwoman Servé asked the applicant to clarify the proposed driveway relocation. The relocation was noted on the previous site plan, but the current plan does not depict the driveway leading to the proposed garage addition. Ms. Rizzo stated that she will address the driveway with DRHPB. Ms. Bailey stated that the proposed driveway will be about 35' wide. Vice Chairwoman Servé stated that the driveway on the previously submitted site plan was shown wider than the average Town road.

Director of Planning, Zoning, and Development Doug DeRue asked if the previously mentioned kitchen window that would be blocked if the addition met the front setback was existing. Ms. Rizzo stated that the window did not exist yet but will replace an existing sliding glass door. Mr. DeRue questioned why the addition could not meet the 50' front setback if the kitchen window does not exist. Mr. DeRue asked for clarification on the discrepancy of the two site plans submitted. The original site plan stated that the area where the kitchen window would be is two stories, while the updated plan says one story. Ms. Bailey stated that the kitchen is proposed as one story with a higher roofline.

Chairman Dounce asked the applicant to provide a timeframe for construction. Ms. Bailey stated that construction will commence in Summer 2024.

Board Member Spennachio-Wagner motioned to close the public hearing, seconded by Board Member Pergolizzi. Following a unanimous voice vote, the hearing was closed.

A written resolution to grant the area variance for 28 Whitestone Lane was moved by Board Member Pergolizzi, seconded by Board Member Spennachio-Wagner. The resolution passed, four ayes, 1 no.

### **OTHER DISCUSSION:**

The minutes of July 17, 2023 were approved following a motion by Chairman George Dounce. Following a unanimous voice vote, the minutes were approved, none opposed.

The board discussed the difference between the facade area and the building line or front setback. Mr. DeRue clarified the Town Code to the Board.

Mr. DeRue discussed the ongoing Zoning Code update. Changes include allowing pool equipment on the side of the house, change of the rear setback in the Residential Neighborhood District from 20 feet to 10 feet, increase in allowed shed square footage, and new total square footage for all accessory structures.

Chairman George Dounce closed the meeting at 8:06PM.

Respectfully submitted,

April Zurowski Planning Assistant

> OFFICIAL MINUTES ARE ON FILE IN THE OFFICE OF THE PLANNING DEPARTMENT

### Zoning Board of Appeals Referral Form Information

### **Property Address:**

20 Meadow Cove Road PITTSFORD, NY 14534

### **Property Owner:**

Dwyer, Peter J 20 Meadow Cove Rd Pittsford, NY 14534

### Applicant or Agent:

Dwyer, Peter J 20 Meadow Cove Rd Pittsford, NY 14534

**Present Zoning of Property:** RN Residential Neighborhood Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:		
Right Lot Line:	0	Right Lot Line:	0	Right Lot Line:	0.0	
Left Lot Line:	0	Left Lot Line:	0	Left Lot Line:	0.0	
Front Setback:	0	Front Setback:	0	Front Setback:	0.0	
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0	
Height:	0	Height:	0	Height:	0.0	
Size:	0	Size:	0	Size:	0.0	

### Code Section(s):

Description: Applicant is requesting relief from Town Code Section 185-113 B. (3) for the installation of pool equipment to be located forward of the rear wall of the main structure. This property is zoned Residential Neighborhood (RN).

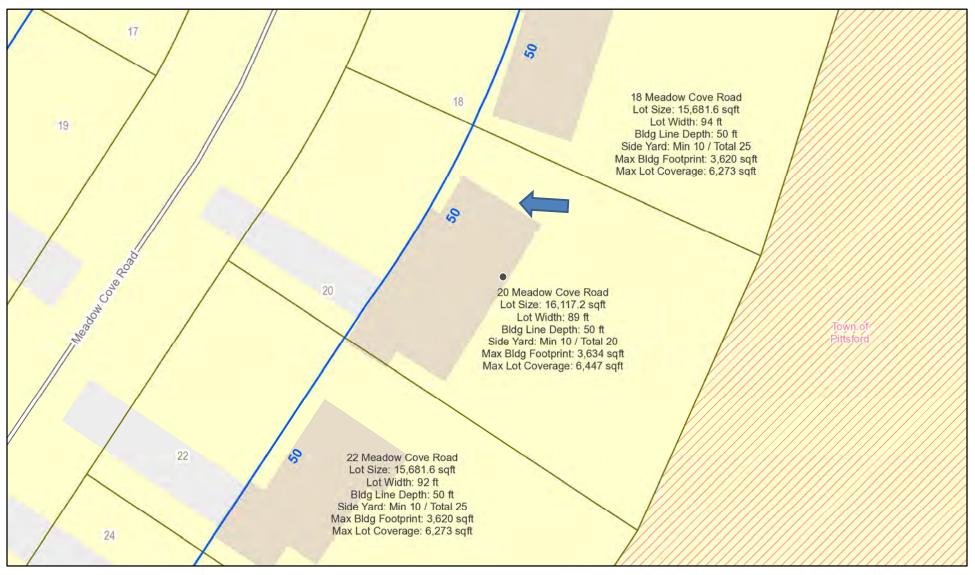
August 29, 2023

ARZ

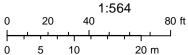
Date

April Zurowski -

## **RN** Residential Neighborhood Zoning



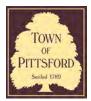
Printed August 29, 2023



Town of Pittsford GIS

The information depicted on this map is representational and should be used for general reference purposes only. No warranties, expressed or implied, are provided for the data or its use or interpretation.





## TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date:	August 1	6, 2023		Hearing I	Date:	Sep	otembe	r 18, 2	2023	
Applicant: Peter	Dwyer									
Address: 20 Mea	adow Cove	e Road, 145	34							
Phone: (585) 31	4-2245			E-Mail:	pete	rjdw	yer@gi	mail.co	om	
Agent:										
			(if different than	Applicant)						
Address:										
Phone:										
Property Owner:										
Property Owner: _			(if different than	Applicant)						
Address:										
Phone:										
(If applicant i	s not the pro	perty owner pl	ease comple	ete the Au	thoriz	ation	to Make	Applica	tion Form.	)
Property Location:				Current Z	Coning:					
Tax Map Number:										
Application For:		Residential		ommercia	I		Other			
Please describe, in d	letail, the prop	oosed project:								
Me're seeking are	a variance	s to locate no		nt in side	a vard	1 with	n sida sa	thack	five feet f	rom

We're seeking area variances to locate pool equipment in side yard with side setback, five feet from the property line, where ten feet is required.

**SWORN STATEMENT:** As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

(Owner or Applicant Signature)

(Date)



## NEW YORK STATE STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

### TESTS FOR GRANTING AREA VARIANCES

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

(Please answer the following questions to the best of your knowledge)

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

The request to locate the pool equipment in a side yard and set back from the home will consider property lines and not be visible from the road (Meadow Cove Road). What's more, the adjoining property owner does not have first floor windows on the proposed side and has installed a whole-house backup generator and pool equipment on the same, adjoining side (photos attached). This is to say, their property is similarly using this space for equipment.

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

If the pool equipment were to be set behind the home, it would be placed in front of windows that would negatively impact the cosmetics of the property.

### **TESTS FOR GRANTING AREA VARIANCES (Continued)**

3. Please explain whether the requested area variance is minimal or substantial:

The requested variance may be considered a substantial adjustment as we will be placing equipment five feet from the property line, or a 50% variance.

It will be hidden by landscaping that is already in place and which may be added to, if needed.

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

The requested variance will place the equipment in a space that is already occupied by a neighbor's whole house generator and pool equipment.

## • NOTE: Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;

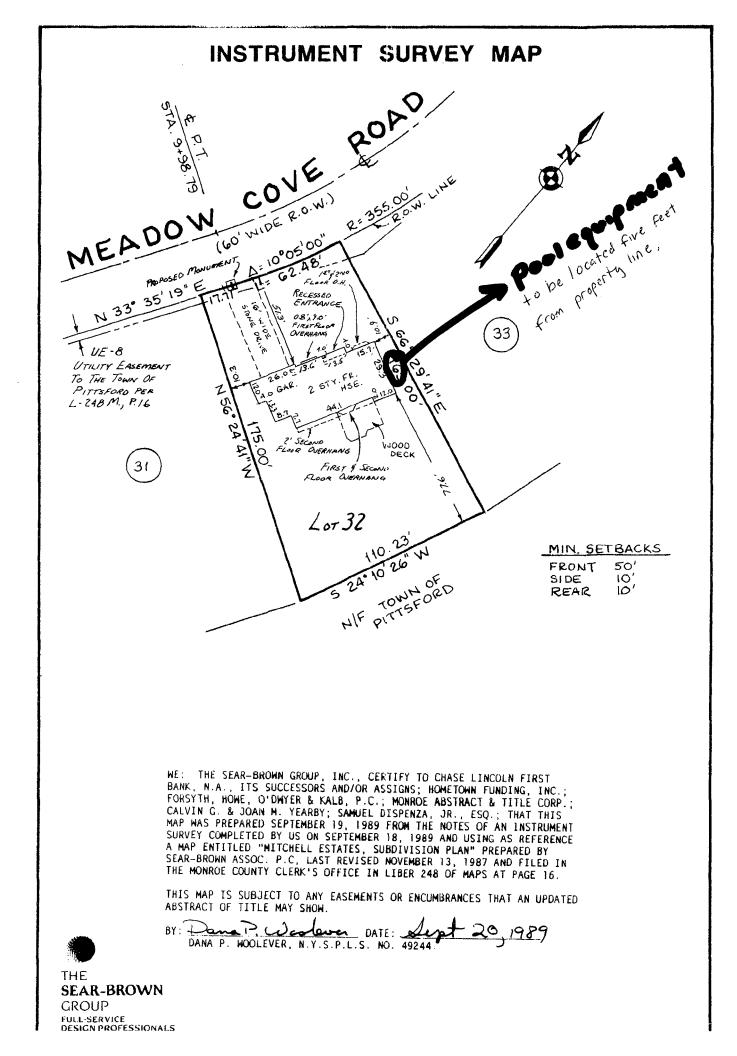
5. Is the alleged difficulty self-created?

Yes, in that we are seeking to place the equipment in an area requiring approval.

## **Disclosure Form E**

TOWN OF PITTSFOR	RD
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In the Matter of									
	(Project Name)								
The undersigned, being	the applicant(s) to the…								
🔲 Town Board 🛛	Zoning Board of Appea	als 🔲 Planning Boa	rd 🔲 Architectural Review Boar	rd					
of the Town of Pittsfo	rd, for a…								
Change of zoning	special permit	building permit	🗌 permit 🔲 amendment	Ł					
variance	approval of a plat	exemption from a	a plat or official map						
ordinances regulations		ereby certify that I have rea	ons constituting the zoning and planning ad the provisions of Section §809 of the						
any other municipality o		is a part who is interested	f Monroe or of the Town of Pittsford or o in the favorable exercise of discretion by						
<u>Name(</u>	<u>s)</u>		<u>Address(es)</u>						
		A	August 17, 2023						
20 Meadow Cove	(Signature of Applicant) Road		(Dated)						
Pittsford, NY, 145	(Street Address)								
	(City/Town, State, Zip Code)								





Proposed location of the equipment (Between 18 and 20 Meadow Cove Road, 14534)



Rear of 20 Meadow Cove Road (Windows making for difficult placement)



Proposed location of the equipment (Between 18 and 20 Meadow Cove Road, 14534)



Location of adjoining property owner's generator and pool equipment (Between 18 and 20 Meadow Cove Road, 14534)

### Zoning Board of Appeals Referral Form Information

#### **Property Address:**

6 Malm Lane ROCHESTER, NY 14618

#### **Property Owner:**

Convery, Matthew 6 Malm Ln Rochester, NY 14618

### Applicant or Agent:

Convery, Matthew 6 Malm Ln Rochester, NY 14618

**Present Zoning of Property:** RN Residential Neighborhood Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:		
Right Lot Line:	0	Right Lot Line:	0	Right Lot Line:	0.0	
Left Lot Line:	60'	Left Lot Line:	38'	Left Lot Line:	22'	
Front Setback:	0	Front Setback:	0	Front Setback:	0.0	
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0	
Height:	12'	Height:	18' 3.5"	Height:	6' 3.5"	
Size:	180 SF	Size:	573 SF	Size:	393 SF	

### Code Section(s):

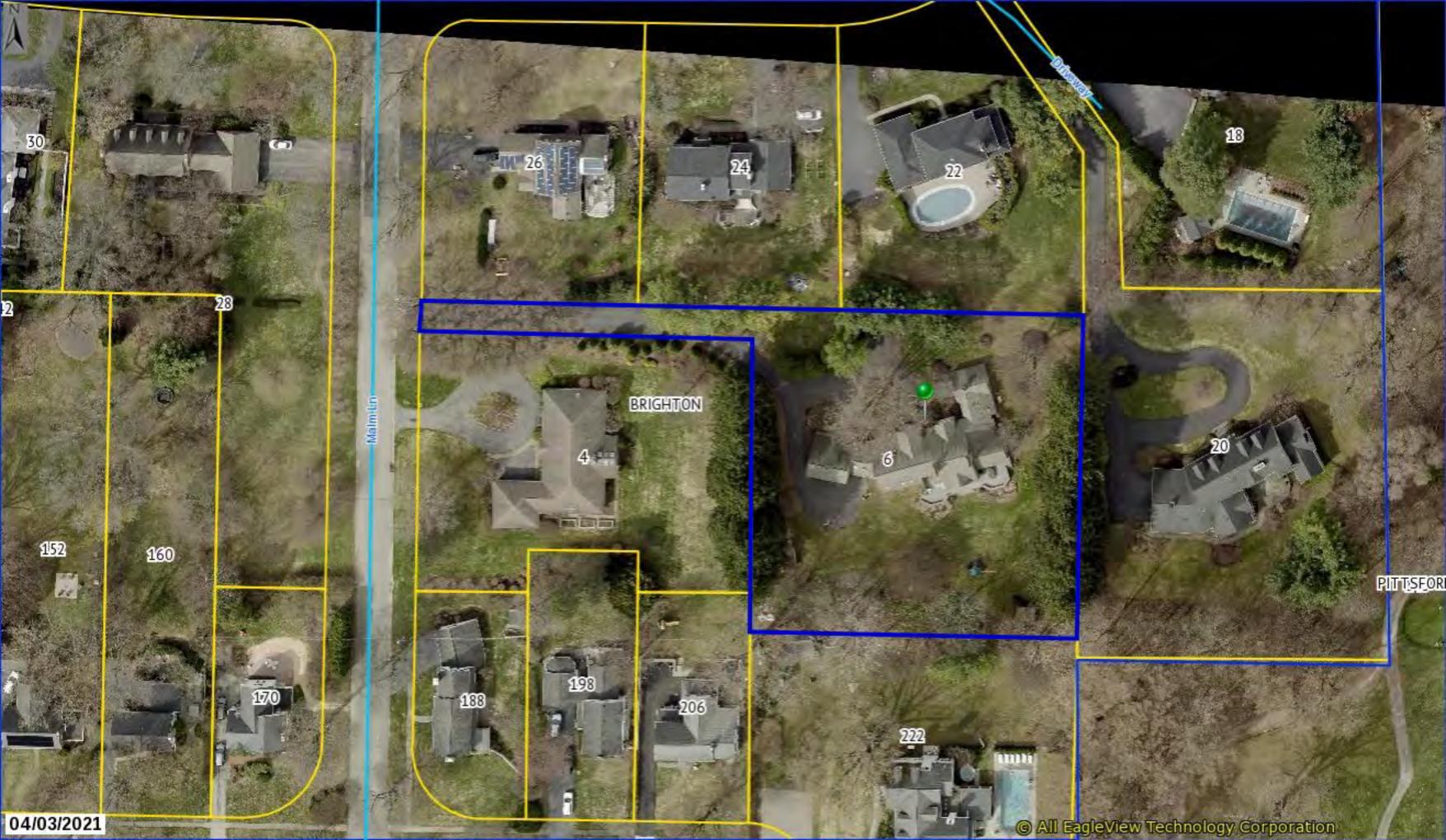
Description: Applicant is requesting relief from Town Code Sections 185-17 L. (1), 185-113 B. (1) & (2) for the construction of an oversized, over-height covered deck within the side setback of a developed flag lot. This property is zoned Residential Neighborhood (RN).

August 29, 2023

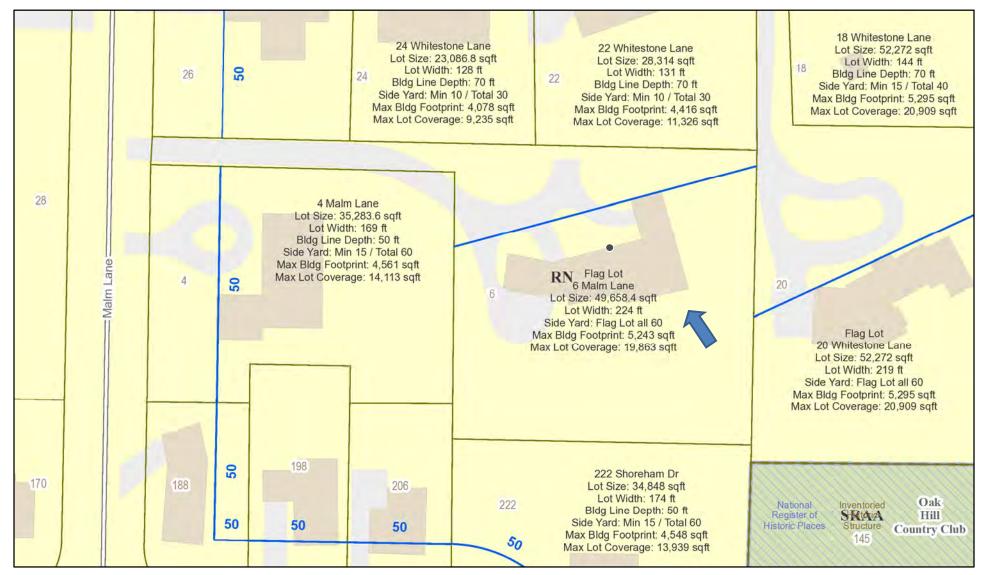
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Date

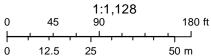
April Zurowski -



## **RN** Residential Neighborhood Zoning

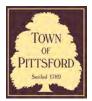


Printed August 29, 2023



Town of Pittsford GIS

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## TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date:	8/15/2023	Hearing Date:	9/18/2023
Applicant: Andre	ea Convery		
Address: 6 Malm	Lane Rochester NY 14618		
Phone: (585) 734	1-0827	E-Mail:andrea	@milestoneconstructionpartners.com
Agent:	(if different th		
	(if different th	han Applicant)	
Property Owner:			
	(if different th	han Applicant)	
Address:			
Phone:		E-Mail:	
(If applicant	is not the property owner please com	plete the Authoriza	ation to Make Application Form.)
Topenty Location.	6 Malm Lane	Current Zoning:	RN
Tax Map Number:	264689 150.08-1-1.3		
Application For:	Z Residential	Commercial	☐ Other

Please describe, in detail, the proposed project:

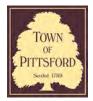
Existing deck had no footers and was poorly secured to the house. Upon inspection it was deemed to be unsafe and was removed. We wish to rebuild the deck with a 10' extension to the south and a new roof over top of it to protect it. Therefore we are requesting a variance for an oversized over-height accessory structure not meeting the minimum side setback for our flag lot. The roof will cover the entirety of the deck, it will not be tied into the existing roof in order to not disturb the existing house as well not create potential drainage issues on the existing roof. The proposed deck roof height from the ground is 18' 3 1/2", approx. 15' 8''' from the surface of the deck. The deck roof will slightly overlap the edge of our lower single story house roof. The main house roof is substantially taller than the proposed deck roof. The new deck will have a railing (the existing did not), in order for the railing gate to swing out we've added a 3' platform for the stairs, towards the east property line. The closest property line is the east property line with the nearest structure being our neighbors garage which is 53.1' from the property line. The existing deck was 42.9' from the east property line. The proposed deck is 38.1' from the east property line. There is a line of very large pines that provide privacy for the neighbors. The required set back for our flag lot per newer code is 60' therefore we are requesting a variance since we fall within that 60' setback if we wish to rebuild the deck.

**SWORN STATEMENT:** As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

8/15/2023

(Owner or Applicant Signature)

(Date)



## TOWN OF PITTSFORD AREA VARIANCE AUTHORIZATION TO MAKE APPLICATION

Zoning Board of Appeals - 11 S. Main Street - Pittsford, 14534 - 248-6260

If the applicant is not the owner of the subject property, this form must be completed and signed by the owner.

I,			_ , the owner of the property located at:			
	(Street)	(Town)	(Zip)			
Tax Parcel #			do hereby authorize			
			to make application to the			
Town of Pittsford Zoning Board of Appeals, 11 South Main Street, Pittsford, NY 14534 for the purpose(s) of						

(Signature of Owner)

(Date)



## NEW YORK STATE STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

### **TESTS FOR GRANTING AREA VARIANCES**

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

(Please answer the following questions to the best of your knowledge)

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

The house had an existing deck in the same location - the intention of the new deck is to create a similar structure that is structurally sound (the existing was not), is code complaint (will have railings, which the existing did not) and will not cause any detriment to the neighbors; staying in the same general location as the existing. The closest affected abutting structure is a garage. The new proposed deck roof line is substantially lower than the main house roof line. We've designed it with a hip and ridge to blend in nicely with the home.

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

The existing deck was unsafe - there were no footers and it was not properly secured to the house. The house itself is already within the 60 feet set back on 3 of the 4 property lines. We are extending the deck predominately towards the property line (south) that does not fall within the 60' setback. The issue is that the house is built at an angle to the east property line and coming straight off the house with the deck moves us approx. 5' closer to the east property line (the new deck would be 38.1' from the east property line). The deck has to come straight off the house as our back door leading off of our kitchen comes out to this location and is only 4' 7" from the corner of the house - this gives us no room to bring the deck in closer from the edge of the east property line. If we tied the proposed deck roof into the home, the roof would have to be taller and much larger (truss framed with gable end) than keeping it separate. We feel the proposed design with a hip and ridge roof provides a smaller, more aesthetically appealing look that seamlessly blends into the existing house lines.

### **TESTS FOR GRANTING AREA VARIANCES (Continued)**

3. Please explain whether the requested area variance is minimal or substantial:

The requested variance is labeled as a substantial request due to the fact we are not tying the roof into the existing home therefore making this an oversized accessory structure. The proposed deck and roof is approx. 600 square feet. When the circumstances of proximity and sight lines to the neighbors are taken into consideration we believe it is a minimal change; since it is only 5' closer to the property line from what is existing and there is still over 91' between the proposed new deck and the neighbors garage.

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

We feel it will not have an adverse effect because it is replacing a function that is already there, only improving upon the look of the overall backyard aesthetics and safety. As well there is a row of very large pine trees providing privacy between these property lines. Lastly, the neighbors garage is the closet abutting structure, providing additional buffer between habitable spaces. The proposed roof line is much lower than the existing main roof line of the home, so the neighbors will not see any taller structure.

## • NOTE: Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;

5. Is the alleged difficulty self-created?

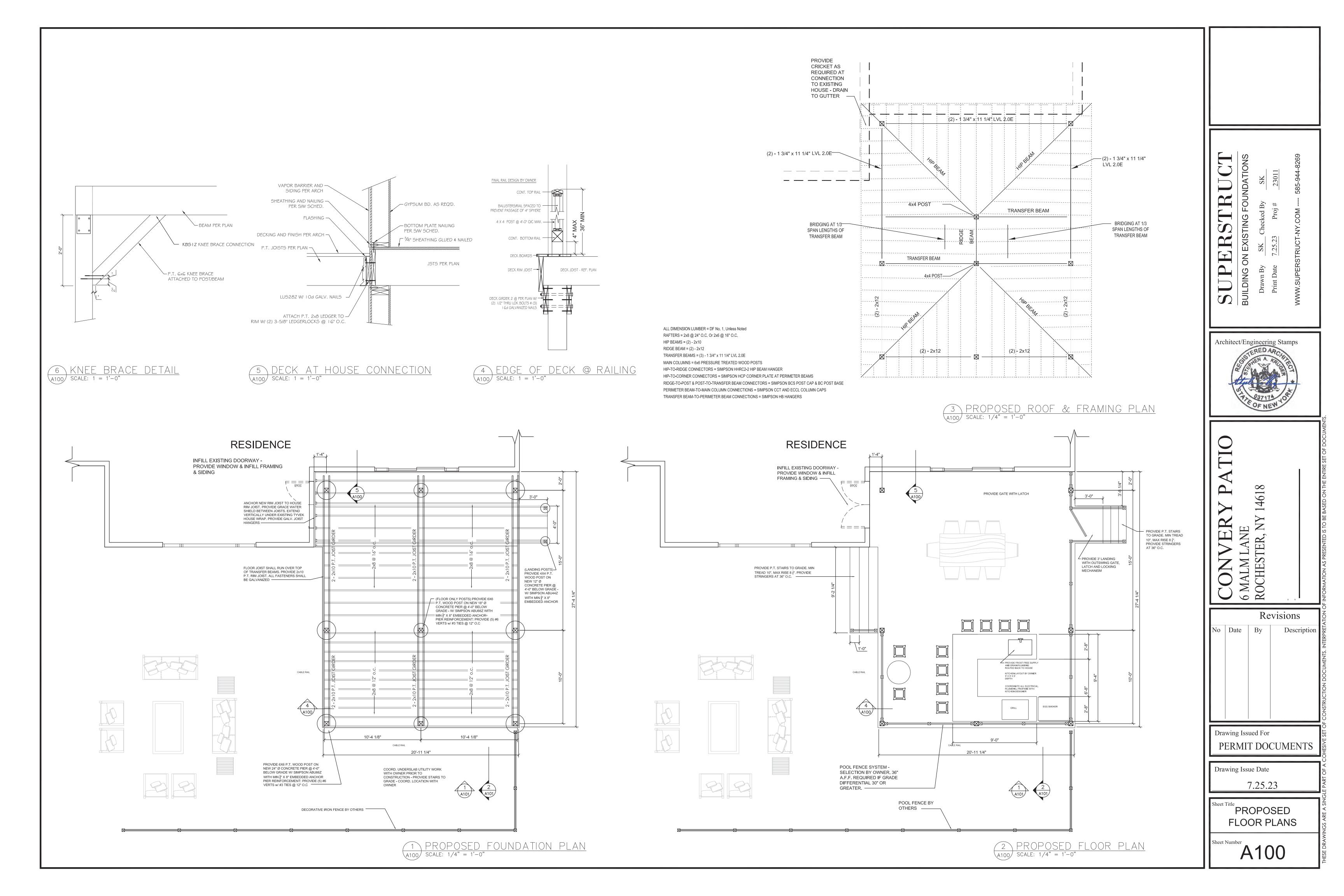
The deck was constructed with or shortly after the home in the 1980's, prior to our ownership. We did not know the condition of the old deck until inspection this year and discovered there was no footers and it was not properly tied into the house - it had created an unsafe situation and was prior construction to our ownership of the house. Since the house and deck is already built within the required setbacks it leaves us little room to replace/improve upon the home even when making minor changes.

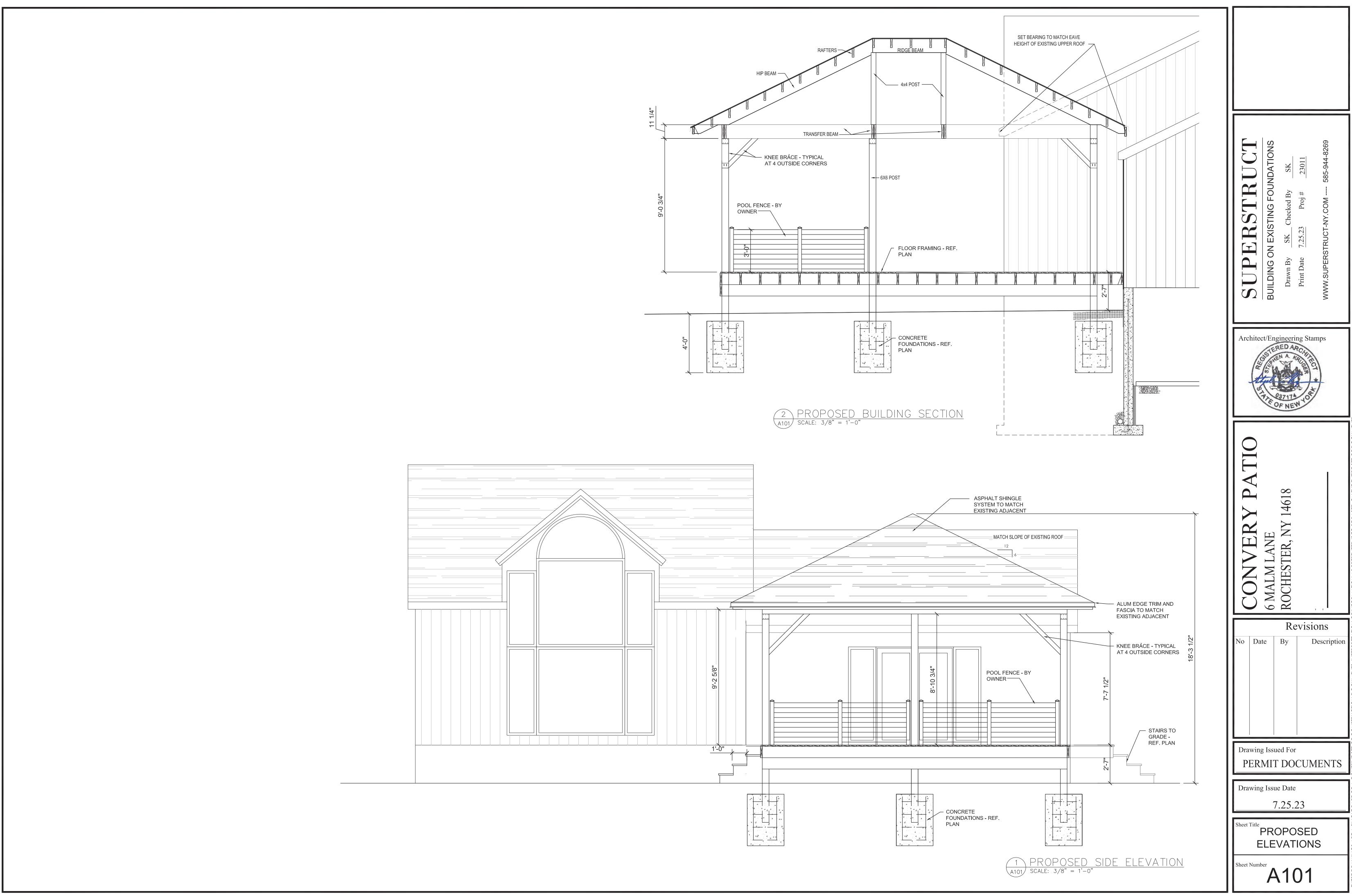
## **Disclosure Form E**

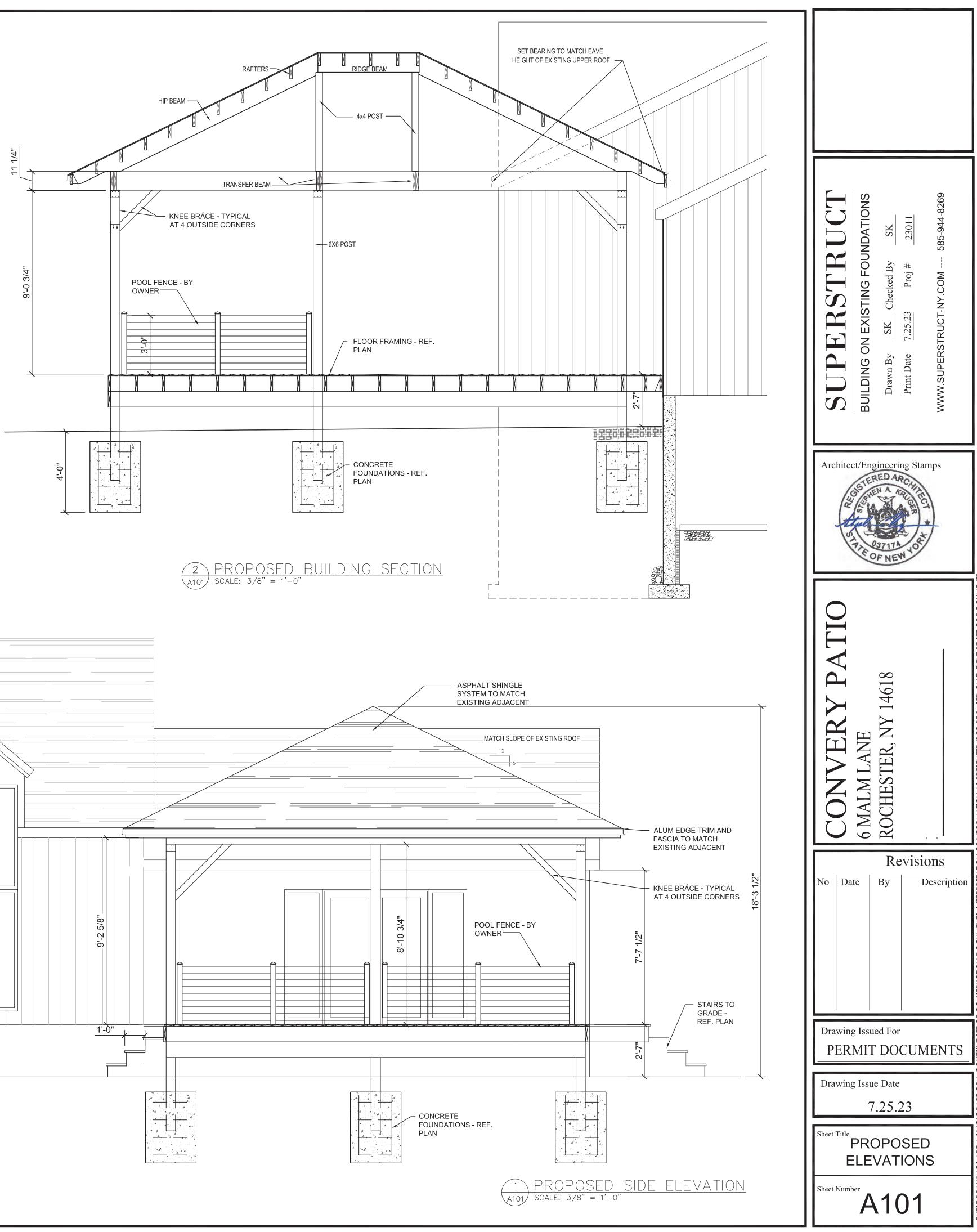
### STATE OF NEW YORK COUNTY OF MONROE

TOWN OF PITTSFORD

			In the	Matter of					
6 Malm La	ne De	eck							
			(Proje	ect Name)					
The undersigned, b	eing th	e applicant(s) to the…							
Town Board		Zoning Board of Appe	eals	Planning Boa	rd 🗌	Archit	ectural	Review Board	
of the Town of Pi	ttsford,	for a							
Change of zor	ning	Special permit		building permit		permit		amendment	
V variance		approval of a plat		exemption from a	a plat or	official m	ар		
ordinances regulation	issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constituting the zoning and planning ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this certificate.								
any other municipal	ity of w	re is no officer of the State /hich the Town of Pittsford cation, except for those na	d is a pa	art who is interested					
<u>Na</u>	<u>me(s)</u>					<u>Add</u>	<u>ress(es)</u>	)	
						8/15/202	3		
		(Signature of Applicant)				(4	Dated)		
6 Malm Lane									
Rochester NY 14	618	(Street Address)							
		City/Town, State, Zip Code)							







### Zoning Board of Appeals Referral Form Information

### **Property Address:**

7 Black Wood Circle PITTSFORD, NY 14534

### **Property Owner:**

Wilshire Hill LLC 1501 State Route 96 Ste 100 Victor, NY 14564

### Applicant or Agent:

Wilshire Hill LLC 1501 State Route 96 Ste 100 Victor, NY 14564

## **Present Zoning of Property:** IZ Incentive Zoning Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:		
Right Lot Line:	0	Right Lot Line:	0	Right Lot Line:	0.0	
Left Lot Line:	0	Left Lot Line:	0	Left Lot Line:	0.0	
Front Setback:	0	Front Setback:	0	Front Setback:	0.0	
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0	
Height:	0	Height:	0	Height:	0.0	
Impervious Coverage:	40%	Impervious Coverage:	47.1%	Impervious Coverage:	7.1%	

### Code Section(s):

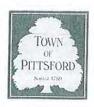
Description: Applicant is requesting relief from Town Code Section 185-17 H. for the expansion of a driveway resulting in maximum lot coverage exceeding 40% of the total area of the property. This property is zoned Incentive Zoning (IZ).

August 29, 2023

ARZ

Date

April Zurowski -



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### **TOWN OF PITTSFO** AUG 1 1 2023 **AREA VARIANCE** TOWN OF PITTSFORD **APPLICATION FORM** CHECK LIST

E

4

E (C)

Zoning Board of Appeals - 11 S. Main Street - Pittsford, 14534 - 248-6260

CHECKLIST: Please check your paperwork against the following list prior to submitting it to the Zoning Board of Appeals Secretary. These documents should be collated into packets no larger than 8 1/2" by 11" in size so they are readily mailable.

- V Zoning Board of Appeals application form (pg. 5) 12 copies 1.
  - 2. Authorization to make application (pg. 6) 12 copies (when applicable)
  - 3. Instrument survey map, 12 copies
  - 4. Scaled sketch, 12 copies
  - 5. Elevations, 12 copies
- Any other materials, such as photographs, maps, landscape plans, specifications, details, etc. which 6. would further clarify the application, 12 copies П
  - Tests (written response to each) for granting area variances (pg. 7) 12 copies 7.
  - 8 Disclosure Form E (pg. 8) 12 copies
  - Check made out to "Town of Pittsford" for application fee. 9.

### **GIVEN TO APPLICANT:**

- Π Referral form
- Applicable Code Sections
- Application Packet

### RECEIVED FROM APPLICANT:

- Fee Payment
- 12 complete sets of application materials

Date of Public Hearing:

2023

NOTE: All application materials will be available for public review.



## **TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE**

Submission Date: August 18, 2023	Hearing Date: September 18, 2023
Applicant: Wilshire Hill LLC	
Address: 1501 Pittsford Victor Rd Suite 200	√ictor NY 14564
Phone: (585) 424-4444	<sub>E-Mail:</sub> noah@pmhomes.com
Agent:	
(if different	than Applicant)
Address:	
Phone:	E-Mail:
Property Owner: Huy Luc & Van Nguyen	
	han Applicant)
Address: 7 Blackwood Circle Pittsford NY 14	534
Phone: (585) 354-1278	<sub>E-Mail:</sub> huyluc11@yahoo.com
(If applicant is not the property owner please com	plete the Authorization to Make Application Form.)
Property Location: 7 Blackwood Circle	Current Zoning: Residential
Tax Map Number: 178.03-5-40	
Application For: 🛛 Residential 🗌	Commercial 🔲 Other

Please describe, in detail, the proposed project:

We are requesting to get approved for an area variance to pave a larger driveway, we are requesting relief from the 40% non permeable area requirement. The House is a courtyard style driveway and they have child that resides with them and has car and is looking to expand driveway to accommodate the additional parking and create more space to maneuver their own vehicles in and out of garage. we are asking for a variance that would grant us an additional 660 sqft of asphalt over the allowable amount under the 40% threshold. We are asking for relief and allowance to go to 47.1% non permeable area. We are looking to mitigate this overage by enlarging the storm water facility that this area drains to. we have had our engineer calculate this and the requirement would be approximately 18 yards of material to be removed from this storm water facility. we propose doubling that amount of removal to 36 yards of material to help with relief of our variance request and any future area request from this section of Wilshire hill. We are working with the town engineer to revise the pond capacity to account for the requested impervious coverage.

SWORN STATEMENT: As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

Noah Saulpaugh (Owner or Applicant Signature)

(Date)



## TOWN OF PITTSFORD AREA VARIANCE AUTHORIZATION TO MAKE APPLICATION

Zoning Board of Appeals - 11 S. Main Street - Pittsford, 14534 - 248-6260

if the applicant is not the owner of the subject property, this form must be completed and signed by the owner.

i, Van Luc	;		the owner of the present stars to be
7 Blackwoo	od Circle Pittsford NY 145	34	, the owner of the property located at
	(Street)	(Town)	(Zp)
Tax Parcel #	178.03-5-40		
Wilshire Hil	ILLC (Noah Saulpaugh)		do hereby authorize
			to make application to the
I own of Pittsfo	ord Zoning Board of Appeals, 11 So	outh Main Street, Pittsford,	NY 14534 for the purpose(s) of
requesting	a variance to expand drivew	ay and ask for relief	to the 40% non permeable threshold.
			Signature of Owner) Signature of Owner) Signature of Owner) (Date)



## NEW YORK STATE STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

## **TESTS FOR GRANTING AREA VARIANCES**

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

(Please answer the following questions to the best of your knowledge)

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

We do not feel that the requested variance will have any negative effect on the neighborhood. This requested variance would not change the character of the neighborhood nor be a detriment to the nearby properties in our opinion. The proposed mitigation of the variance request would be a benefit to the nearby properties and the subdivision as a whole as we would be increasing the storm water system as a whole that would benefit all in our opinion.

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

The benefit sought is to help the homeowner provide off street parking for their teenage child and to create enough space to navigate their own vehicles in and out of garage. The only way to create this additional space is to request a area variance and be allowed to create a larger paved driveway to accommodate parking and accessibility.

## **TESTS FOR GRANTING AREA VARIANCES (Continued)**

3. Please explain whether the requested area variance is minimal or substantial:

The requested area variance is considered substantial but we can mitigate this by increasing the pond capacity to accommodate this variance and help the neighborhood as a hole by increasing the ponds capacity.

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

We do not feel that the requested area variance will have adverse effect on neighborhood as we are only asking to pave a slightly larger area in front of our home that has a court yard style driveway and garage. We feel that this plan allows for a wider driveway with out looking negative to the surrounding homes and properties. We do realize that it will have an adverse impact on the environmental condition but we can mitigate that impact by working with the town engineer to increase capacity of the storm water management pond.

# • NOTE: Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;

5. Is the alleged difficulty self-created?

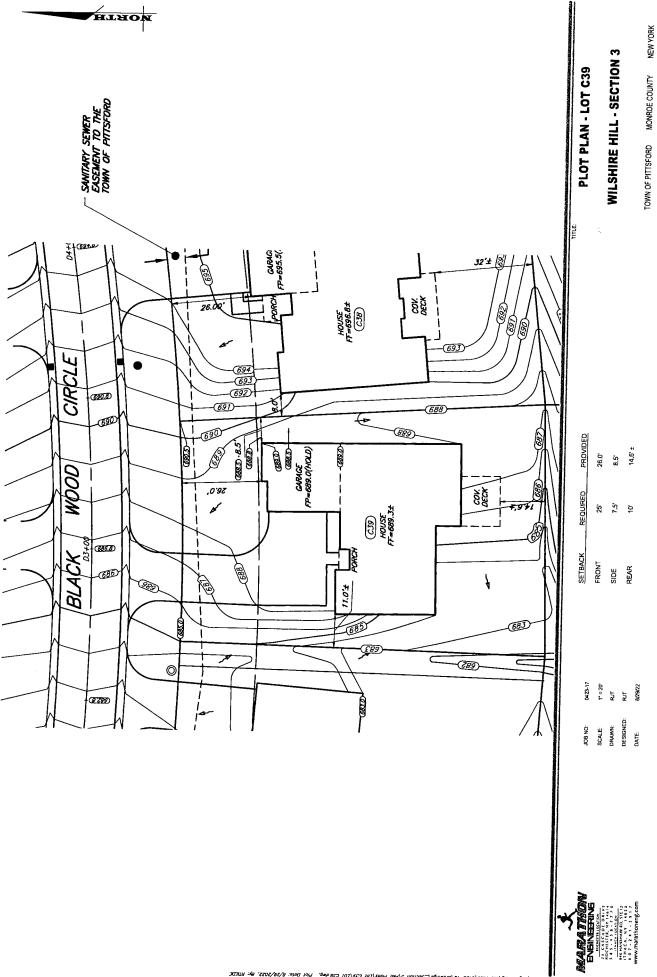
The alleged difficulty is self created as we are trying to come up with a safe and long term solution stated previously. our child is still living home with us and he has a car that we want to have safe off street parking for so we require some additional asphalt to achieve that.

## Disclosure Form E

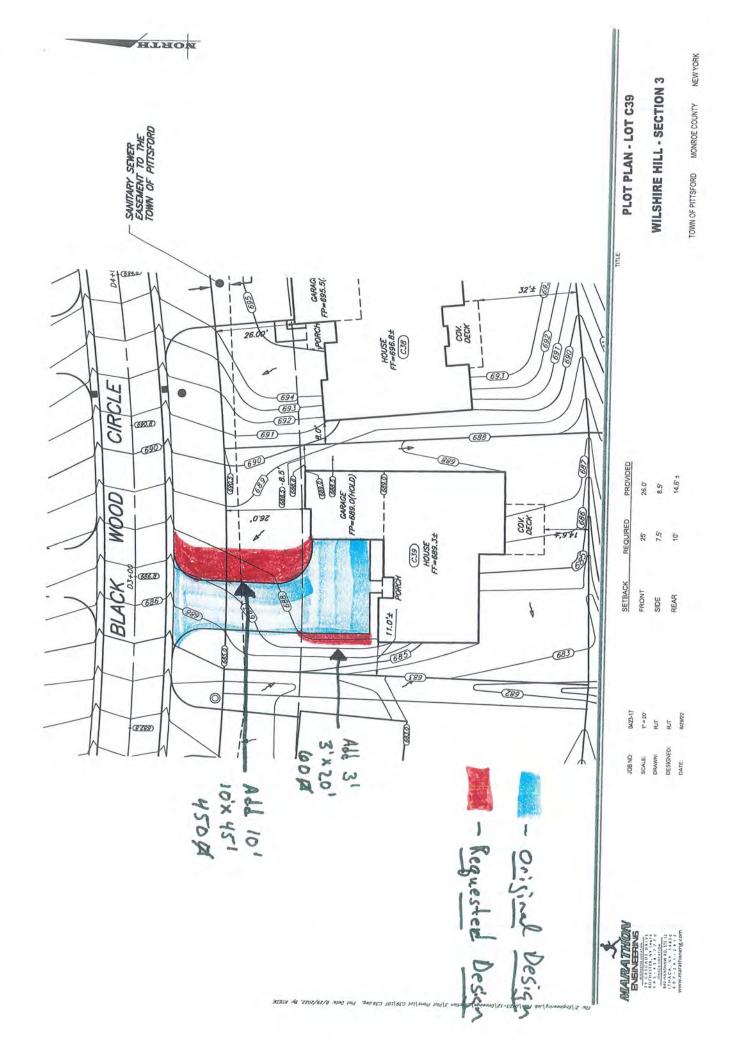
TOWN OF PITTSFORD

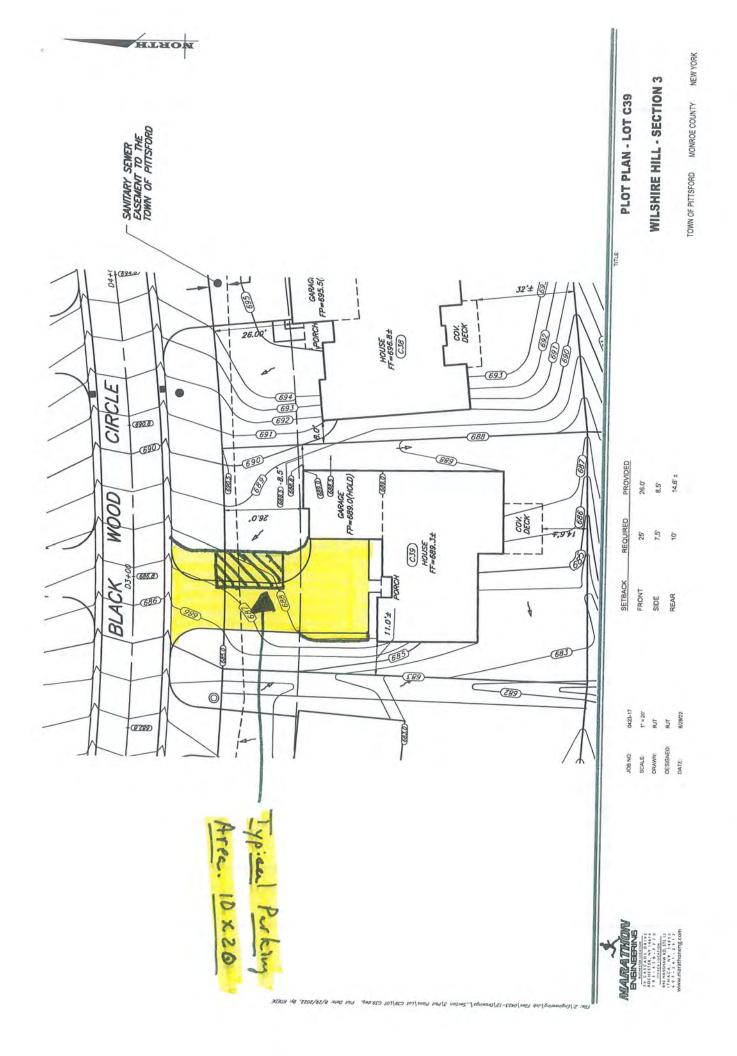
				In the	Matter of		<u> </u>		
7 Blackw	ood C	ircle	Pittsford NY	′ 1453	4				
			· · · · · · · · · · · · · · · · · · ·	(Proje	ect Name)			··	
The undersigned, b	eing the	applic	ant(s) to the						
🔲 Town Board	Z	Zonin	g Board of App	eals	Planning Boa	rd [	Archit	ectura	l Review Board
of the Town of Pit	ttsford, fo	or a							
C change of zor	ning		special permit		building permit		permit		amendment
Z variance		appro	val of a plat		exemption from a	plat o	official m	ар	
issued under the ordinances regulatio General Municipal L				nerenv (	vs, Rule or Regulation certify that I have read this certificate.	ns cons d the pi	stituting the rovisions of	zoning Sectio	and planning n §809 of the
I do further certify th any other municipali said Board as to this	<b>U U U U</b>			נאנאנא	/ York, the County of rt who is interested ir slow:	Monro the fa	e or of the <sup>-</sup> vorable exe	Town o ercise o	f Pittsford or of f discretion by
<u>Nar</u>	<u>ne(s)</u>						<u>Addr</u>	<u>ess(es</u> )	1
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No	ah Si	aulp	augh of Applicant)		Αι	igust	9, 2023		
2161 Monroe W	رينو ayne/	<sup>gnatűre</sup> Cour	of Applicant) Ity Line RD				(Da	ated)	
Macedon NY 14		(Street /	Address)						

(City/Town, State, Zip Code)



3071/06 1910-12/Damings/502/82/8 1911/201 C33/701 C330488 1911/201 C380/88/ 1910 1916: 8/28/2023 48







### Zoning Board of Appeals Referral Form Information

### **Property Address:**

8 Evesham Place PITTSFORD, NY 14534

#### **Property Owner:**

Ketmar Development Corp 502 South Mina St Ste 200 Canandaigua, NY 14424

### **Applicant or Agent:**

Ketmar Development Corp 502 South Mina St Ste 200 Canandaigua, NY 14424

**Present Zoning of Property:** RN Residential Neighborhood Area Variance - Residential and Non-Profit

Town Code Requirement is:	Proposed Conditions:		Resulting in the Following Variance:			
Right Lot Line:	20	Right Lot Line:	4	Right Lot Line:	16.0	
Left Lot Line:	0	Left Lot Line:	0	Left Lot Line:	0.0	
Front Setback:	0	Front Setback:	0	Front Setback:	0.0	
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0	
Height:	0	Height:	0	Height:	0.0	
Size:	0	Size:	0	Size:	0.0	

### Code Section(s):

Description: Applicant is requesting relief from Town Code Section 185-113 E. for an existing shed located within the side setback. This property is zoned Residential Neighborhood (RN).

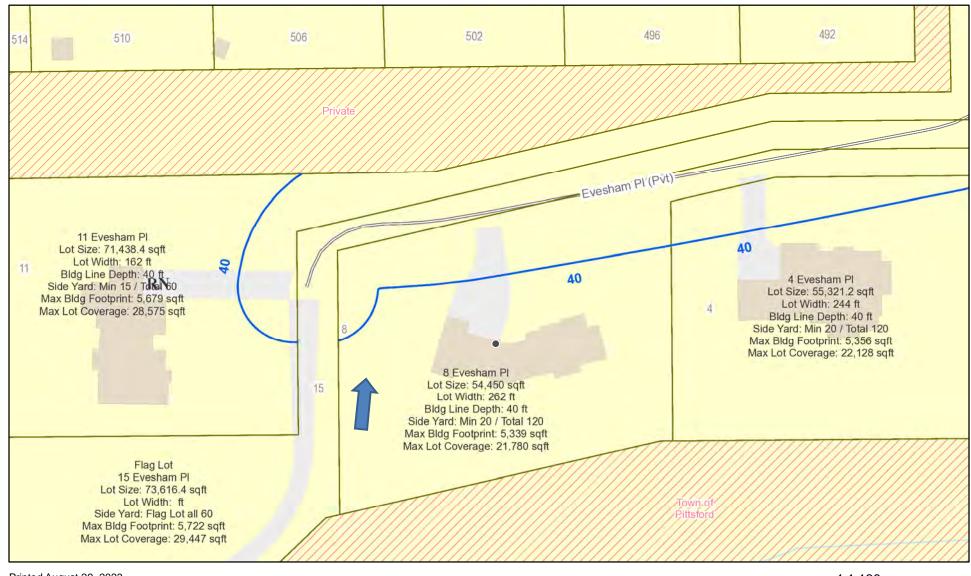
August 29, 2023

ARZ

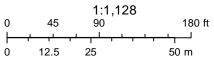
Date

April Zurowski -

## **RN** Residential Neighborhood Zoning

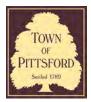


Printed August 29, 2023



Town of Pittsford GIS

The information depicted on this map is representational and should be used for general reference purposes only. No warranties, expressed or implied, are provided for the data or its use or interpretation.



## TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

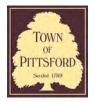
Submission Date:	August 20, 2023	_ Hearing Date:
Applicant: John A	Abou	
Address: 8 Evesh		
Phone: (585) 355	-0612	E-Mail: johnpabou@gmail.com
Agent:		
	(if different tha	n Applicant)
Address:		
		_ E-Mail:
Property Owner:		n Applicant)
	(if different tha	n Applicant)
Address:		
Phone:		_ E-Mail:
(If applicant i	is not the property owner please comp	lete the Authorization to Make Application Form.)
Property Location:		_ Current Zoning:
Tax Map Number: _		_
Application For:	🛛 Residential 🗌 0	Commercial 🗌 Other

Please describe, in detail, the proposed project:

I have added 2 things to my property: 1: a basketball court for my girls. I have 6, they are ages 8-16. I was honestly thinking I was in compliance but understand the need for approval. 2: is a storage shed 10x16. I located it 28 feet from the private road that is owned by us, so I really thought I was ok. I also respectfully asked permission, advice and approval from all my nieghbors. Both Scott (15 Evesham #516-361-2855) and James at 11 Evesham #917-558-1079) were super supportive and asked how they can assist in this matter. All have given a 100% ok and did not all all think this was an issue and in fact thought they looked great.

**SWORN STATEMENT:** As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

(Owner or Applicant Signature)



## TOWN OF PITTSFORD AREA VARIANCE AUTHORIZATION TO MAKE APPLICATION

Zoning Board of Appeals - 11 S. Main Street - Pittsford, 14534 - 248-6260

If the applicant is not the owner of the subject property, this form must be completed and signed by the owner.

<sub>I,</sub> John Abo	ou	, the owner of the property located at:		
8 Evesham Place			Pittsford	14534
	(Street)		(Town)	(Zip)
Tax Parcel #	264689	178.03-2-49		do hereby authorize
				to make application to the
Town of Pittsf	ford Zoning B	oard of Appeals, 11	South Main Street, Pittsford,	NY 14534 for the purpose(s) of

(Signature of Owner)

(Date)



## NEW YORK STATE STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

### TESTS FOR GRANTING AREA VARIANCES

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

(Please answer the following questions to the best of your knowledge)

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

Both the basketball court and storage shed have been done in a very professional maneer. Both here show to my neighbors prior to any work being done and were approved. In both said they would be willing to talk to the town showing their support.

The basketball court is 28 long and 31 wide - its located 10 feet from the house and from what i can see at least 60 feet from the back property line.

The shed is 16x10 and sits close to 30 feet from the start of the road - the road is private and owned by us so not sure where to exacity measure from to the shed.

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

There is no other locations that would work on the property. I selected the areas that would be the most appealing and supported by all arouns us.

### **TESTS FOR GRANTING AREA VARIANCES (Continued)**

3. Please explain whether the requested area variance is minimal or substantial:

I do believe it to be minimal. I was unaware that I was in violation of anyhting other than the need to get the offical permit for the shed; and given it was under 180 sqare feet, I thought I was ok at 160 and 28 feet away from the private rd. The basketball court i was unaware of the need to do anything given it was a tile court over concrete.

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

I do not think there is and adverse impact or effect.

## • NOTE: Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;

5. Is the alleged difficulty self-created?

Yes it was. As mentioned, I was in need of addtional staorage with 6 kids / girls, space fills up quickly:)

As I mentioned, the basketball court was something that I was not aware that I was in violation of. I do apologize for not doing further research.

## Disclosure Form E

In the Matter of									
	(Project Name)								
The	undersigned be	ing the a	oplicant(s) to the						
	Town Board	_			Dianning	Boord [		lo of ural	Poviour Poord
Ц			oning Board of App	ears	Planning	board L		lectural	Review Board
0	f the Town of Pitts	sford, for	a						
	change of zoni	ng [	special permit		building pern	nit 🗌	permit		amendment
	variance	🗌 a	pproval of a plat		exemption fro	om a plat o	r official m	ар	
ordi	issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constituting the zoning and planning ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this certificate.								
I do further certify that there is no officer of the State of New York, the County of Monroe or of the Town of Pittsford or of any other municipality of which the Town of Pittsford is a part who is interested in the favorable exercise of discretion by said Board as to this application, except for those named below:									
<u>Name(s)</u>				<u>Address(es)</u>					
		(Sia	nature of Applicant)				(	Dated)	
		(Sig	nature of Applicanty				(	Daleu)	
		(	Street Address)						
		(City/T	own, State, Zip Code)						





